

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

KERRY McCOVERY,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	2:16cv744-MHT
)	(WO)
WALTER MYERS, Warden,)	
et al.,)	
)	
Defendants.)	

OPINION

Pursuant to 42 U.S.C. § 1983, plaintiff, a state prisoner, filed this lawsuit complaining that correctional officers on the 'Cert Team' at Easterling Correctional Facility failed to accommodate his disability because the Warden had failed to train them or create an accommodation plan; that correctional officers beat him for not moving quickly in response to their orders, in spite of his inability to use his legs and his need for a wheelchair to move; and that he needs medical care to treat the resulting injuries. This lawsuit is now before the court on the

recommendation of the United States Magistrate Judge that plaintiff's case be dismissed without prejudice for failure to comply with the orders of the court or to prosecute the case. There are no objections to the recommendation. After an independent and de novo review of the record, the court concludes that the magistrate judge's recommendation should be adopted.

An appropriate judgment will be entered.

DONE, this the 5th day of July, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE